

The Oaks Land Sale Ordinance 2017

No 50, 2017

Long Title

An Ordinance to permit the sale of certain land at 100 Old Oaks Road, The Oaks.

Preamble

A. The Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land in folio identifier 52/751287 and the site of vacant land (the "Land").

B. The Land is church trust property and forms part of the property of the ACPT – The Oaks Trust which, under The Oaks Trust Ordinance 2014, is held for the purposes of the parish of The Oaks (the "Parish").

C. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold and the proceeds applied in the manner set out in this Ordinance.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is The Oaks Land Sale Ordinance 2017.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold.

3. Power of sale

The Property Trust is authorised to sell the Land within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution.

4. Allocations from the ACPT – The Oaks Trust

(1) Subject to clause 4(2), the Property Trust is directed that it may make the following payments from the capital of the ACPT – The Oaks Trust –

- (a) firstly, the costs and expenses of and incidental to this Ordinance and the sale of the Land, and
- (b) secondly, towards the costs of and incidental to the construction, fit out and landscaping of a new rectory on the land comprised in folio identifier 6/38686 known as 2 Russell Street The Oaks.

(2) No payment is to be made under clause 4(1) until the Land has been sold and the proceeds of sale paid to the Property Trust.

5. Capitalisation of income

Notwithstanding clause 7 of The Oaks Trust Ordinance 2014, all income arising from the investment of that part of the ACPT – The Oaks Trust which comprises the proceeds of sale is to be capitalised.

6. Amendment to The Oaks Trust Ordinance 2014

The Oaks Trust Ordinance 2014 is to be amended by deleting rows 2 to 4 inclusive from the table in the Schedule and inserting instead the following –

The land in folio identifier 51/751287 known as 110 Old Oaks Road The Oaks and the site of St Matthews Church and cemetery.	By Dedication noted in New South Wales Government Gazette of 1 July 1887 page 4266 the land was dedicated as a site for a Church of England burial ground at The Oaks.
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The land in folio identifier 52/751287 known as 100 Old Oaks Road The Oaks and the site of vacant land.	By Declaration of Trust dated 4 th February 1918 the land is held upon trust to permit the same to be used for a church, parsonage, and parish hall or partly for one and partly for another of such purposes in connection with the Church of England at The Oaks in the parish of Picton and the county of Camden.
The land in folio identifier 60/1227328 known as Merlin Street, The Oaks and the site of St Luke's Church and hall.	By clause 3 of The Oaks Vesting and Variation of Trusts Ordinance 1983 the land is held upon trust for a – <ul style="list-style-type: none">(a) church;(b) residence for a minister, assistant to the minister or person employed by the churchwardens;(c) hall or halls;(d) school or other place of assembly; or partly for one or another or others of those purposes in connection with the Anglican Church of Australia within the Diocese of Sydney for the sole benefit of the parish or other ecclesiastical district into which it may subsequently be formed or of which it may form a part.

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

R TONG
Chair of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 4 December 2017.

R WICKS
Secretary

I Assent to this Ordinance.

GN DAVIES
Archbishop of Sydney
04/12/2017